

The Honorable Jamal Whitehead

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSHUA A. DIEMERT, an individual,

Plaintiff,

v.

THE CITY OF SEATTLE, a municipal
corporation,

Defendant.

No. 2:22-CV-01640-JNW

**STIPULATED MOTION AND
[PROPOSED] ORDER TO EXTEND
ANSWER DEADLINE AND CONTINUE
TRIAL DATE AND RELATED
DEADLINES**

Noting Date: September 7, 2023

STIPULATED MOTION

Plaintiff Joshua A. Diemert (“Plaintiff”) and Defendant The City of Seattle (“Defendant”) jointly move the Court to amend the Order Setting Trial Date and Related Deadlines and Trial Date (Dkt. No. 25) and extend the trial date and related deadlines in this case. In support of this Stipulated Motion, the Parties state the following:

1. Plaintiff filed the Complaint in this matter on November 16, 2022. Dkt. 1. Plaintiff filed an Amended Complaint and served Defendant with same on January 19, 2023. Dkt. 10-11.

2. On March 10, 2023, Defendant moved for dismissal of Plaintiff’s claims pursuant to Federal Rule of Civil Procedure 12(b)(6). Dkt. 16. That motion was noted for April 7, 2023. While the motion was pending, the Parties refrained from actively litigating this matter, in the interest of efficiency.

3. On April 4, 2023, this matter was reassigned from Judge Lauren King to Judge

Jamal Whitehead.

4. On June 16, 2023, the Court entered the Order Setting Trial Date and Related Deadlines, setting the trial for April 29, 2024 and setting interim case deadlines. Dkt. 25.

4. The Court issued an Order granting in part and denying in part Defendant's Motion on August 28, 2023. Dkt. 28.

5. The Parties have conferred and hereby jointly request an extension of the trial date by a period of four months, which is commensurate with the period of time during which the Defendant's motion remained pending between its original noting date and the date of the Court's order. The Parties also request that the other unexpired pretrial deadlines be extended consistent with the extension of the trial date.

6. In addition, Defendant has requested to extend the September 11 deadline for Defendant's Answer to the Complaint, triggered by the Court's August 28, 2023 Order, to September 21, 2023, and Plaintiff has agreed.

7. For the foregoing reasons, the Parties jointly therefore respectfully request that the Court modify the Case Scheduling Order and continue the trial date, pretrial deadlines, and Answer deadline in this matter as follows, or to similar dates in accordance with the Court's availability:

Event	Revised Date
Answer to Complaint	September 21, 2023
Deadline for filing amended pleadings	February 2, 2024
Disclosure of expert testimony under Fed. R. Civ. P. 26(a)(2)	February 2, 2024
Disclosure of rebuttal expert testimony under Fed. R. Civ. P. 26(a)(2)	Within 30 days after the other party's expert disclosure
All motions related to discovery must be filed	March 1, 2024
Discovery completed by	April 1, 2024
All dispositive motions and motions challenging expert witness testimony must be filed by	May 2, 2024

Settlement conference under LCR 39.1, if requested by the parties, held no later than	June 29, 2024
All motions in limine must be filed by	July 22, 2024
Deposition Designations must be submitted to the Court by	August 8, 2024
Agreed pretrial order due	August 8, 2024
Trial briefs, proposed voir dire questions, and proposed jury instructions must be filed by	August 15, 2024
Pretrial conference	August 22, 2024
Trial Date	September 3, 2024

The Parties suggest this proposed schedule, recognizing that availability on the Court's trial calendar may be limited. Should the above-proposed dates be inconvenient for the Court, the Parties respectfully request a similar extension of the deadlines in this case to dates that suit the Court's schedule and convenience.

STIPULATED this 7th day of September, 2023.

PACIFIC LEGAL FOUNDATION
Attorneys for Plaintiff Joshua A. Diemert

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[PROPOSED] ORDER

The Parties jointly moved the Court for an extension of discovery and other deadlines.

The discovery deadlines are extended to the following dates:

Event	Revised Date
Answer to Complaint	September 21, 2023
Deadline for filing amended pleadings	February 2, 2024
Disclosure of expert testimony under Fed. R. Civ. P. 26(a)(2)	February 2, 2024
Disclosure of rebuttal expert testimony under Fed. R. Civ. P. 26(a)(2)	Within 30 days after the other party's expert disclosure
All motions related to discovery must be filed	March 1, 2024
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Pretrial conference	August 22, 2024
Trial Date	September 3, 2024

IT IS SO ORDERED.

Dated this ____ day of _____, 2023.

The Honorable Jamal Whitehead
United States District Court Judge

Presented by:

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Attorneys for Defendant

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Stipulated / Approved as to Form:

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